

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re: Asbestos Products Liability Litigation (No. VI); MDL 875

Regarding:

THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

GRADY HUMPHREYS, ET AL.)	
)	
PLAINTIFFS)	
)	
V.)	CIVIL ACTION NO. 2:07-607
)	
A.O. SMITH ELECTRICAL)	
PRODUCTS, CO., ET AL.)	
)	
DEFENDANTS)	

JOINT MOTION FOR DISMISSAL WITH PREJUDICE

Come now the Plaintiffs and Defendants BORG-WARNER CORPORATION BY ITS SUCCESSOR IN INTEREST, BORGWARNER MORSE TEC, INC.; EXTECO, INC. F/K/A THERMO ELECTRIC CO. INC.; and THE MARLEY-WYLAIN COMPANY D/B/A WEIL-MCLAIN COMPANY, INC., by their respective counsel and jointly move that the above-entitled action be dismissed with prejudice as to the Defendants BORG-WARNER CORPORATION BY ITS SUCCESSOR IN INTEREST, BORGWARNER MORSE TEC, INC.; EXTECO, INC. F/K/A THERMO ELECTRIC CO. INC.; and THE MARLEY-WYLAIN COMPANY D/B/A WEIL-MCLAIN COMPANY, INC. only, and with each party to bear its own costs. For purposes of this dismissal, Plaintiffs reserve the right to pursue in any bankruptcy action, bankruptcy estate, or trust created by a bankruptcy action or bankruptcy estate, any and all asbestos claims viable on the filing

date of this motion against any Defendant named herein who is subsequently placed in bankruptcy (voluntarily or involuntarily).

s/G. Patterson Keahey

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s/Rocky W. Eaton

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CORPORATION BY ITS SUCCESSOR IN
INTEREST, BORGWARNER MORSE
TEC, INC.; EXTECO, INC. F/K/A
THERMO ELECTRIC CO. INC.; and THE
MARLEY-WYLAIN COMPANY D/B/A
WEIL-MCLAIN COMPANY, INC.

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: all counsel of record in this case, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: any counsel discovered by me to not be participating in the CM/ECF system.

Respectfully submitted,

s/Rocky W. Eaton

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